

# Northeast Central Judicial District

## Caseflow Management Plan



Revised: February 7, 2020

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# Introduction

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The following Caseflow Management Plan and policies are adopted to efficiently manage and distribute the judicial caseload in the Northeast Central Judicial District. Cases in the Northeast Central Judicial District shall be processed and disposed of in a manner consistent with the goals, objectives, procedures and forms as set forth in this document.

Nothing contained in this plan shall supersede or conflict with any State Statutes or Procedure, Administrative Rules, Policies, or Rules of Court, Rules of Civil Procedure, Criminal Procedure or any other Rules that now exist or are hereinafter adopted by the North Dakota Supreme Court.

# Court Culture

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ND Judiciary Mission Statement  
***"TO PROVIDE EQUAL ACCESS TO JUST, IMPARTIAL, AND TIMELY  
RESOLUTION OF DISPUTES UNDER LAW"***

Judges and administrators emphasize acting collectively, a collaborative work environment and effective communication as follows:

- 1) Provide procedural fairness and due diligence to ensure good customer service.
- 2) Establish court personnel rules and procedures to implement accurate and timely case flow enhancing teamwork, problem solving and communication.
- 3) Implement and maintain knowledge of current technologies that assist timely disposition of cases.
- 4) Promote public trust and confidence through fair and ethical treatment of the public by court personnel.
- 5) Network with court interested agencies to achieve real and continuing improvements in the process and in customer satisfaction.
- 6) Provide and encourage respectful progressive continuing education to court personnel to enhance their engagement, efficiencies and leadership.
- 7) Acknowledge and accommodate diverse populations through provision of Court Services such as:
  - a. Interpreters
  - b. Meeting ADA requirements
  - c. Appointment of Indigent Defense Counsel
  - d. Waiver of fees

# Case Management Goals and Objectives

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## *The Goals of the Northeast Central District Case Management Plan are to:*

- 1) Manage the judicial caseload as efficiently as possible in meeting the case disposition timing objectives.
- 2) Maintain a system of regular judicial attendance in each county in a fair and equitable manner.
- 3) Develop judicial schedules that are divided into master and individual calendars based on volume and need.
- 4) Develop and maintain an understandable case assignment protocol in order to promote fairness and consistency concerning judicial assignments.
- 5) Maintain procedural fairness to litigants to promote compliance and less return to the court minimizing litigants' time and cost to resolve each case.
- 6) Promote litigants understanding of the court process to assist in compliance and ultimately reduce unproductive hearings.
- 7) Identify and eliminate inefficiencies in the case flow management process.
- 8) Maintain uniform procedures unit wide where possible.

## *The Objectives of the Northeast Central District Case Management Plan are to:*

- 1) Identify cases where judicial continuity is not essential and the amount of judicial time involved is relatively short, assigning those cases to Master Calendar.
  - a. The management of the Master Calendar is the responsibility of the Clerk of District Court and Unit Court Administration in consultation with the Presiding Judge.
- 2) Identify cases where judicial continuity is essential.
  - a. The management and disposition of individually assigned cases is the responsibility of the assigned Judge.
- 3) Identify contested cases and set scheduling conferences or an initial hearing upon filing of those cases.
- 4) Conduct productive hearings for the parties and the Court, holding attorneys and litigants accountable to deadlines.
- 5) Manage requests for continuances of hearings or trials.
- 6) Monitor a case assignment policy which fairly distributes the caseload of this district.
- 7) Develop procedures that promote litigant understanding of what occurred at each hearing.
- 8) Develop unit wide procedures and forms where possible that are easily understandable by litigants.

# Judge Case Assignment

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## Judge Case Assignment: General Procedures

Judge case assignments are made as follows:

- 1) Grand Forks County:
  - a. Criminal: The judge is assigned to the case:
    - i. At the initial appearance if disposition is made.
    - ii. At the initial appearance when the scheduling order is completed setting future hearings/trial.
  - b. Civil: The judge is assigned to the case upon filing of:
    - i. Motion – Assigned by Auto-Rotation
    - ii. Affidavit of Default – Assigned by Auto-Rotation
    - iii. Request for Hearing – Assigned by Auto-Rotation
    - iv. Answer – Assigned by Auto-Rotation
    - v. Concluding Documents from Civil Master Hearings - Assigned to Hearing Judge
    - vi. Informal Probate – Assigned by Auto-Rotation
    - vii. Final Order in Mental Health Cases – Assigned to Hearing Judge
    - viii. SDI Cases – Assigned by Auto-Rotation after the Preliminary Hearing
    - ix. JV Termination of Parental Rights – Assigned based on whomever signs concluding order.
- 2) Nelson County:
  - a. Criminal: The judge is assigned to the case:
    - i. At the initial appearance if disposition is made.
    - ii. At the initial appearance when the scheduling order is completed setting future hearings/trial.
  - b. Civil: The judge is System assigned with the following exceptions:
    - i. Domestic Violence Protection Order (DVPO) / Disorderly Conduct Restraining Order (DCRO): Judge reviews and issues Temporary Order – often times the hearing is held on the Master Calendar days, so the judge hears the case and is assigned at that time.
    - ii. Final Order in Mental Health Cases – Assigned to Hearing Judge
- 3) In the Odyssey case assignment system, the judge assignment is setup so that the cases assigned each judge is within 2 cases.

## Miscellaneous Assignment

- 1) Presiding Judge assigns cases and coordinates judicial services in order to maintain a current docket throughout the district (*N.D.Sup.Ct. Admin. R. 2.*) This responsibility includes:
  - a. Initial Case Assignment
  - b. Reopen Case Assignment
  - c. Demands for Change of Judge
  - d. Recusals
  - e. Judge Extended Leave
  - f. Reassign caseload to accommodate judicial time intensive cases

# Judges Court Calendar Guidelines

## Judges (5 Weeks) Rotation Calendars

WEEK 1 - Criminal Master						
	Monday	Tuesday	Wednesday	Thursday	Friday	
9 – 10:30	Preliminary Hearing / Arraignment	Criminal Master (1 <sup>st</sup> Appearances / In Custody)			DOCR (IVN) Initial Appearance and Preliminary/Arraignment	
					Cont'd. Preliminary Hearing / Arraignment	Criminal Ledger Card OSC (15)
10:30 – 12:00	Sentencings (4)				Juvenile Emergency (Twice a Month when Week 2 Judge in Lakota)	
1:30 – 3:30	*Criminal Master (In Custody)	1:30 – 3 Revocation of Probation	Preliminary Hearing / Arraignment	Dispositional / Pretrial Hearings	Criminal Master (In Custody / Bond Review)	
3:30 – 5:00	<u>Specialty Courts</u> Adult Drug Court, Juvenile Drug Court & Domestic Violence Court	3 - 5 Criminal & Ledger Card OSC (15)				
WEEK 2 – Juvenile Master & Juvenile Trial (Juvenile, Mental Health, Adoption, Eviction, Child Support OSC & Administrative Traffic)						
	Monday	Tuesday	Wednesday	Thursday	Friday	
Juvenile Master, Juvenile Trial & Specialty Courts	9 – 11 **Juvenile Master	9 – 12 Juvenile Trial	9 – 5 Juvenile Trial	9 – 11 Child Support OSC	9 – 5 ****Nelson County (Twice a Month Every Other Friday; OR, Below Juvenile Court)	
					9 - 11 **Juvenile Master	
	11 -12 Juvenile Emergency	11 - 12 Juvenile Emergency	11 - 12 Juvenile Emergency	11 - 12 Juvenile Emergency	11 – 12 Juvenile Emergency	
	**1:30 – 3:30 Juvenile Master	***1:30 – 3 Mental Health (Stack Hearings at 1:30)	9 – 5 Juvenile Trial Continued	***1:30 – 3 Mental Health (Stack Hearings at 1:30)	1:30 – 5 **Juvenile Master	
	3:30 – 5:00 <u>Specialty Courts</u> Adult Drug Court, Juvenile Drug Court & Domestic Violence Court	3 – 5 Adoption / Eviction		3:00 - 5 Administrative Traffic Hearing		

\*Monday Holiday: Tuesday Criminal Master (1<sup>st</sup> Appearances / In Custody) at 1:30-3:00 pm  
Tuesday Civil Master - Civil Trial Week 9:00 am to 5:00 pm



**\*\*Termination of Parental Rights:**

- Juvenile Master includes initial appearances and pretrials for Termination of Parental Rights.

**\*\*\*Mental Health:**

- Add Nelson County Mental Health hearing to Tuesday and Thursday afternoon mental health hearings, as needed.

**\*\*\*\*Nelson County:**

- When Judge is in Nelson County, Civil Calendar Control Clerk will find time slot for Juvenile Emergency Hearings.

Note: Week 2 Judge shall review Mental Health, Disorderly Conduct Restraining Order (DCRO) and Domestic Violence Protection Order (DVPO), Criminal Warrants and Juvenile Court Applications. If Week 2 judge not available, contact the next available judge.

<b>WEEK 3 - Criminal Trial</b> (Primary Rotational Judge)					
	Monday	Tuesday	Wednesday	Thursday	Friday
9 – 12	Court Trial / Jury Trial Status Conference & Change of Plea	Criminal Trial and Nelson County Trial Week			9 - 11 Motion Hearing / Court Trial / Post- Conviction Relief
1:30 – 5	1:30 - 3 *** DVPO, SARO & DCRO (2 per Hour) <hr/> 3:30 – 5:00 <u>Specialty Courts</u> Adult Drug Court, Juvenile Drug Court & Domestic Violence Court				1:30 **DRSP <hr/> 2:30 - 5 *** DVPO, SARO & DCRO (2 per Hour)
				1:30 - 5 *Small Claims	1:30 - 5 Continued or Misc. Hearing

**Rotational Judge Sessions:**

Case Types: Small Claims, Disorderly Conduct Restraining Order (DCRO), Sexual Assault Restraining Orders (SARO), Domestic Violence Protection Order (DVPO) and Domestic Relations Summary Proceeding (DRSP)

- Primary Judge – Criminal Trial (Week 3)
- Secondary Judge – Civil Trial (Week 4)
- Last Judge – Opinion Week (Week 5)

**\*Small Claims Orders and Judgment**

- The clerk shall forward the small claims case to Steve Bott, law clerk, for review. Once compliant with all of the requirements the law clerk shall send case to judge.
- After the Judgment/Order is signed by the judge, the clerk shall enter and sign the Notice of Entry of Judgment/Judgment. (N.D.C.C. 27-08.1-05 Judgment)

**\*\*Stipulated Divorces (DRSP) (No Hearings)**

- The clerk shall forward the stipulated divorce case to Steve Bott, law clerk, for review. Once compliant with all of the requirements the law clerk shall send case to judge.

**\*\*\* Disorderly Conduct Restraining Order (DCRO), Sexual Assault Restraining Orders (SARO), & Domestic Violence Protection Order (DVPO)**

- Law Enforcement should be present in all Domestic Violence Protection Order proceedings;
- No Law Enforcement presence is required in Disorderly Conduct Restraining Order proceedings unless noted by the judge when the temporary order is signed or subsequently requested by the judge.
- If the sheriff does locate the respondent after the initial hearing date, the sheriff to fill in the date and time of the Continued Hearing. The sheriff is provided the court's schedule and will skip a week when setting the hearing on the temporary order, using the 14-day limit as close as possible.



WEEK 4 – Civil Master / Trial (Secondary Rotational Judge)					
	Monday	Tuesday	Wednesday	Thursday	Friday
9 – 3:30	<u>Civil Master</u> Contempt Motions, Collection OSC, PTC, FDC, Sch. Conf. Hearing & Other Judge Assigned Cases <u>Guardianship</u> <u>Review Cases</u> 1:30 – 3 <i>(1 per Half Hour)</i>	Civil Trial Week, & Criminal Carry Over Trial (Jury Trial, Court Trial, Sexually Dangerous Individual (SDI), Evidentiary, Termination of Parental Rights & so on; and Nelson County Civil Trials) <i>(Hearings Scheduled as “Rotational Judge Sessions” behind jury trials only)</i>			
3:30 – 5:00	<u>Specialty Courts</u> Adult Drug Court, Juvenile Drug Court & Domestic Violence Court				

WEEK 5 – Opinion Week (Last Rotational Judge)					
	Monday	Tuesday	Wednesday	Thursday	Friday
9 – 5	Opinion Week <i>(Only Judge May Schedule)</i>				

### Judges Specialty Assignments:

- Administrative Duties: Presiding Judge Hager
- Adult Drug Court: Judge Thelen and Judge Hager
  - Monday of Weeks 1-5 from 3:30 to 5:00 p.m.
- Juvenile Court: Judge Hartl-Romanick and Judge Knudson
  - Monday of Weeks 1-5 from 3:30 to 5:00 p.m.
- Domestic Violence Court: Judge McCarthy and Judge Knudson
  - Monday of every Fifth Week (Criminal Master) from 3:30 to 5:00 p.m. (Each Judge)

### Judges Seniority Rotation

- Presiding Donald Hager
- Lolita Romanick
- John Thelen
- Jason McCarthy
- Jay Knudson

*Judges (5 Weeks) Rotation Calendars (Color-Coded Grid)*

Judge	Weeks				
Knudson	1	2	3	4	5
McCarthy	2	3	4	5	1
Hartl-Romanick	3	4	5	1	2
Hager	4	5	1	2	3
Thelen	5	1	2	3	4
Criminal Master					
Juvenile Trial / Master					
CR Trial Week					
CV Trial Week					
Opinion					

# Judges Scheduling Guidelines and Deadlines

## *Week 1 & 3: Criminal Master & Criminal Trial Week Scheduling Guidelines and Deadlines*

The judges rotate weekly between the five calendars, criminal master, juvenile trial / master, criminal trial, civil trial and opinion. Variations of the weekly rotation occur during judicial officer educational, committee, vacation or sick leave. Bi-weekly, the judges alternate judicial services for criminal and non-contested civil cases for Nelson County.

<u>Court Session and Deadlines</u>	<u>Hearing Types Included in Each Session and Deadlines</u>	<u>Scheduling &amp; Deadline Guidelines</u>	<u>Time Frames</u>	<u>Parameters</u>
Criminal Master	Initial Appearance	Set within 2 weeks of issuance of citation	9:00 am - 10:30 am (T - Th) 1:30 pm - 3:00 pm (M, F)	20 cases
	Bond Reduction Hearing	Set for the Friday after the hearing request is made	1:30 pm - 3:00 pm (F)	20 cases
Rule 16 Discovery	Last day to make a Rule 16 Discovery Request	3 weeks after initial appearance	-	-
	Last day to REPLY to Rule 16 Discovery	5 weeks after initial appearance	-	-
Preliminary Hearings/ Arraignments	Preliminary Hearings/ Arraignments	5 weeks after initial appearance	9:00 am – 10:30 am (M) 1:30 pm – 3:00 pm (W) 9:00 am – 10:30 am (F) (Continuances Only)	8 cases
Motion Deadlines	Deadline for the filing, service and noticing of all other Motions	9 weeks after initial appearance	-	-
	Last day to reply to Other Motions	11 weeks after initial appearance	-	-
Motions Hearings <i>N.D.R.Crim.P. 12</i> <i>N.D.R.Crim.P. 47</i> <i>N.D.R.Ct. 3.2</i>	Motion Hearing	12 weeks after initial appearance	9 am – 11 am 1:30 pm - 3:30 pm (F)	2 or more, as needed
Revocation of Probation Hearings	Revocation of Probation Hearings	Set at first available date on Judge 5 week rotation	1:30 pm - 3:00 pm (T)	6 cases
Felony Sentencing	Sentencing Hearing	Set at first available date on Judge 5 week rotation (6 weeks for PSI requests; 90 days for sex offenses)	10:30 am – 11:30 am (M) 3:00 pm – 5:00 pm (W)	4 cases

Final Dispositional Hearings (Pretrials)	Final Dispositional Hearings (Pretrials)	15 weeks after initial appearance	1:30 pm - 3:00 pm (Th)	40 cases
Jury Selection and Trial, Bench Trial, and Change of Plea	Jury Selection and Trial	17 weeks After initial appearance	9 am – 5 pm (T, W, Th)	16 cases
	Bench Trial/Jury Trial Status Conference		9 am – 11 am (M)	6 cases
	Change of Plea		1:30 pm – 3 pm (M)	3 cases
Ledger Card Order to Show Cause & Order to Show Cause Hearings	Ledger Card Order to Show Cause	Set 3-4 weeks from review of non-compliance	3:00 pm - 5:00 pm (T)	10 cases
	Order to Show Cause			
Post-Conviction Relief	Post-Conviction Relief Hearing	Set 120 days from filing of application	9:00 – 11:00 am (F)	As needed

## Week 2, 3 & 4: Juvenile/Civil Master and Juvenile/Civil Trial Week Scheduling Guidelines

The judges rotate weekly between the five calendars; criminal master, juvenile trial / master, criminal trial, civil trial and opinion. Variations of the weekly rotation occur during judicial officer educational, committee, vacation or sick leave. Bi-weekly, the judges alternate judicial services for criminal and non-contested civil cases for Nelson County.

<u>Juvenile Master &amp; Trial Week Court Session &amp; Deadlines</u>	<u>Hearing Types Included in Each Session and Deadlines</u>	<u>Scheduling Guidelines</u>	<u>Time Frames</u>	<u>Parameters</u>
Juvenile Emergency	Juvenile Detention Hearing, Juvenile Extradition Hearing & Juvenile Shelter Care Hearing, Juvenile Emergency Guardianship	Set Detention Hearing/Extradition Hearing within 24 hours of entering detention	11:00 am – 12:00 pm (Daily)	Stack Hearings
		Set Shelter Care/Emergency Guardianship Hearing within 96 hours of child entering custody		
Juvenile Master (Cases Stacked)	Juvenile Initial Appearance	*Set 2 – 3 weeks after petition is filed. ICWA – 3 weeks	9:00 am – 11:00 am and 1:30 pm - 5:00 pm (Monday/Friday)	Stack 2 cases in ½ hour increments
	Juvenile Pretrial	Set 2 weeks after initial appearance		
	Juvenile Review Hearing	Set 2 weeks after filing of hearing request, unless otherwise directed by judge		
Juvenile Master (Cases Not Stacked)	Juvenile Disposition Hearing	Set 2 weeks after filing of hearing request , unless otherwise directed by judge		1 case per 30 minute increment
	Juvenile Restitution Hearing			
	Juvenile Motion Hearing <i>N.D.R.Juv.P. 14</i>	Set 2 weeks after service of motion is filed		
Juvenile Permanency Hearing	1 <sup>st</sup> Juvenile Permanency Hearing ( <i>Initial Appearance</i> )	Set 60 days prior to expiration of order	Stack 2 cases in ½ hour increments	
	1 <sup>st</sup> Juvenile Permanency Hearing ( <i>Post-Termination Request</i> )	Set 2-3 weeks after petition is filed		
	2 <sup>nd</sup> Juvenile Permanency Hearing	Set 30 days prior to expiration of order	9:00 am – 12 pm (Tuesday)	Stack Trials (3 hours)
Revocation of Probation & Modification of Disposition	Juvenile Review Hearing (Initial Appearance)	Set 2 weeks after filing of request	9:00 am – 11:00 am and 1:30 pm - 5:00 pm (Monday/Friday)	Stack 2 cases in ½ hour increments
	Juvenile Review Hearing (Revocation of Probation/Modification of Disposition)	Set 2 weeks after 1 <sup>st</sup> review hearing (initial appearance)	9:00 am – 12 pm (Tuesday)	Stack Trials (3 hours)
Juvenile Court Trials	Juvenile Trials (Excluding Termination of Parental Rights)	Set 1½ weeks after pre-trial hearing	9:00 am - 5:00 pm (Wednesday)	Stack Trials (8 hours)

	Juvenile Trial – Termination of Parental Rights	Within 10 weeks of Pretrial Conference	Civil Master Week (Any Judge)	8 hours
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\*If youth is in detention, initial hearing must be held within 14 days after placement into detention.

<u>Civil Master &amp; Civil Trial Week Court Session</u>	<u>Hearing Types Included in Each Session and Deadlines</u>	<u>Scheduling Guidelines</u>	<u>Time Frames</u>	<u>Parameters</u>
Civil Master Hearing Types	Emergency Temporary Guardianship	Set within 10 Days & in accordance to statute (N.D.C.C. 30.1-28-10.1)	9:00 am - 5:00 pm (M)	30 minute increments
	Permanent Guardianship	Set before expiration of temporary order		
	Default Hearings	Attorneys will request the hearing be set within a certain time frame		
	Guardianship/ Conservatorship Hearing			
	Stipulated Hearing			
	Juvenile Special Proceedings	Within 48 hours		
	Order to Show Cause	Set at least 21 days out from the hearing request date		
	Sexually Dangerous Individuals (SDI) Preliminary Hearing	Set within 72 hours of detention		
Civil Motion Hearings	Motions/Applications by Attorney <i>N.D.R.Ct. 3.2</i>	Attorneys will request the hearing be set within a certain time frame	9:00 am – 5:00 pm (M-F)	Set 2 hours or less requested for the hearing
	Interim Motion/Ex Parte <i>N.D.R.Ct. 8.2</i>	Held within 21-30 days after filing of motion		
	Summary Judgment Motion Hearing <i>N.D.R.Civ.P. 56</i>	Set 45 days after filing of motion		
Scheduling Order	Scheduling Conference	Set 30 days out if JSP/JIS not timely filed	9:00 am - 5:00 pm (M)	30 minute increments
	Pretrial Conference	Set by Judge at Scheduling Conference and/or Scheduling Order		
	Final Dispositional Conference	Set by Judge at Scheduling Conference		
Juvenile Master Hearings	Adoptions	Attorneys will request the hearing be set within a certain time frame	3:00 pm (T)	30 minute increments
	Evictions	Set no less than 3 days from service of summons & no more than 15 days from service of summons		3 cases per one hour time slot
		Child Support Order To Show Cause	Set at least 21 days out from the hearing request date	9:00 – 11:00 am (Th)

Criminal Trial Hearings	Domestic Relations Summary Proceeding (DRSP)	Set within 30 days	1:30 – 2:30 pm (W)	1 case per hour
	Small Claims		1:30 – 5:00 pm (Th)	
Domestic Violence Restraining Order, Sexual Assault Restraining Order, & Domestic Violence Protection Order Hearings	Domestic Violence Restraining Order, Sexual Assault Restraining Order, & Domestic Violence Protection Order	Set within 14 days of the filing of the Temporary Order	3:00 - 5:00 pm (M) 2:30 – 5:00 pm (W)	Stack 2 cases
Mental Health Hearings & Emergency Guardianship Hearings	Continuing Treatment Hearing	Set hearing date between 16-30 days of the filing of the petition	1:30 - 3:00 pm (T & Th)	2 cases per 30 minute increments (only 1 at 2:30 pm)
	Commitment Hearing	Set in accordance to statute (N.D.C.C. 25-03.1)		
	Discharge Hearing			
	Medication Hearing			
	Modification Hearing			
	Treatment Hearing			
Preliminary Hearing				
Uncontested Permanent Guardianships & Probate Final Accounting Deadlines	Uncontested Permanent Guardianships & Probate Final Accounting	Attorneys will notify that there are <u>no appearances expected (NAE)</u>	Set per time frame requested by Attorney (M – F)	4 - 4:15 pm
*Civil Jury/Court Trials, Motion Hearings, Evidentiary Hearings, Juvenile Termination of Parental Rights & Sexually Dangerous Individuals (SDI) Treatment/Discharge Hearings	Jury Selection, Jury Trial / Back up Jury Trial, and Court Trial / Backup Court Trial	Non-Domestic Jury/Court Trial set at the time of the Joint Scheduling Plan (JSP) or at Scheduling Conference	9:00 am - 5:00 pm (T-F)	All day (will set backups)
		Domestic Court Trial set at Pretrial Conference		
		*Juvenile Termination of Parental Rights set within 10 weeks of Pretrial Conference		
	Evidentiary Hearing – Modification of Primary Residential Responsibility (PRR)	Set at Pretrial Conference (Judge & Attorneys)		1 Day
	SDI Treatment Hearing	Set within 90 days of the filing of the order for evaluation/findings from the preliminary hearing		1 Day
	SDI Discharge Hearing	Set at least 8 weeks out		

\* Termination of Parental Rights (TPR) trial can be scheduled into another judge's Civil Trial week to meet TPR deadlines. TPR cases to be completed within 120 days of filing. Subject to the need to expediently litigate a Termination of Parental Rights File which could usurp this trial/evidentiary hearing.



<b><u>RULE DEADLINES</u></b> <b><u>Civil Motion,</u></b> <b><u>Prima Facie,</u></b> <b><u>Joint Informational</u></b> <b><u>Statement (JIS), &amp;</u></b> <b><u>Joint Scheduling</u></b> <b><u>Plan (JSP)</u></b>	<b><u>Motion, Prima Facie</u></b> <b><u>&amp; Joint</u></b> <b><u>Informational</u></b> <b><u>Statement (JIS), &amp;</u></b> <b><u>Joint Scheduling</u></b> <b><u>Plan (JSP) Rules</u></b>	<b><u>Case Activity or</u></b> <b><u>Judicial</u></b> <b><u>Determination</u></b>	<b><u>Deadlines</u></b>	<b><u>Motion Hearing</u></b> <b><u>/ Scheduling</u></b> <b><u>Order</u></b>
Motion, Brief, Answer Brief, Reply Brief	Motions/ Applications by Attorney <i>N.D.R.Ct. 3.2</i>	Motion	Moving Party file Motion that requests and indicate time of oral argument or file brief	Oral Argument - See Civil Motion Hearings
		Answer Brief	Opposing party's Brief to be filed 14 days after service of motion	
		Reply Brief	Moving Party has 7 days to file Reply Brief after service of answer brief	
	Summary Judgment Motion <i>N.D.R.Civ.P. 56</i>	Motion	Moving Party file motion 90 days before trial and 45 days before hearing date, unless otherwise ordered	Summary Judgment Motion Hearing – See Civil Motion Hearings
		Answer Brief	Opposing Party file Answer Brief 30 days after service of brief	
		Reply Brief	Moving Party has 14 days to serve and file Reply Brief	
<b><u>DOMESTIC</u></b> Motion, Brief, Answer, Reply, Response, Prima Facie, & Joint Informational Statement (JIS) Deadlines --- (Divorce, Paternity, Primary Residential Responsibility & Parenting Time)	Interim Motion <i>N.D.R.Ct. 8.2</i>	Interim Motion	Moving Party file motion, affidavits and financial statement 21 days prior to hearing	Interim Motion Hearing – See Civil Motion Hearings
		Response	Responding Party new issues: Response affidavits to be filed not later than 14 days prior to hearing	
			Responding Party no new issues: Response affidavits to be filed no later than 7 days prior to the hearing	
		Reply	Moving Party responds to new issues raised. Affidavits must be served and filed not later than 7 days prior to the hearing	
	Motion to Modify Primary Residential Responsibility (PRR) (Prima Facie) <i>N.D.R.Civ.P.6(e)</i>	Judge Review For Prima Facie Determination	When the Motion to Modify PRR is filed a time Standard is set 22 or 28 days out	-
		Order for Prima Facie	Prima Facie is Granted by Judge, letters sent to parties for Joint Informational Statement	Evidentiary Hearing – See Civil Trial Week
	Joint Informational Statement (JIS) Filing Due (Divorce, Paternity, Primary Residential Responsibility & Parenting Time) <i>(N.D.R.Ct. 8.3)</i> <i>(N.D.R.Ct. 8.3.1)</i>	Answer	Within 30 days from the date of filing of answer	See Scheduling Order - See Civil Trial Week
			Dismissal for Non-Compliance (JIS Not Filed)	
NON-DOMESTIC Joint Scheduling Plan (JSP)	Joint Scheduling Plan (JSP) Filing Due	Answer	Within 25 days from the date of filing of answer	

# Jury Management

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## *Jury Management: General Procedures:*

- 1) Juror summonses are mailed to potential jurors 4-6 weeks prior to the trial report date. Potential jurors receive a follow-up letter, the week before their trial report date, providing parking passes and other related information.
- 2) Having multiple jury trials scheduled per week, more than one jury pool is used; felony, civil, and misdemeanor. Upon request attorneys are provided a copy of all juror pools that are to report for that week. The recommended number of jurors needed for jury trial as follows and in compliance with Jury Selection Plan, Section 10. Number of Jurors Summoned, effective January 9, 2019.
  - a. For felony-level criminal cases alleging Gross Sexual Imposition, Murder, Assault, Theft, Controlled Substance or Driving Under the Influence
    - i. 35 jurors – 12 person jury trial
  - b. For all other criminal and civil cases
    - i. 33 jurors – 12 person jury trial (felony)
    - ii. 31 jurors – 9 person jury trial (civil)
    - iii. 23 jurors – 6 person jury trial (misdemeanor)
  - c. Judge Discretion: When judges are requesting more than the standard number of jurors advise the clerk's office 4-6 weeks prior to the report date to ensure juror availability.

# Performance Accountability

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## Performance Accountability: General Procedures:

### 1) Public / Customer Service:

#### a. Monitor Customer Service:

- i. Court personnel daily hands on interaction and feedback with public.
- ii. Juror Exit Questionnaire is provided to every juror following jury deliberation. This questionnaire is used to collect feedback regarding the overall experience jurors had with the district court personnel, bailiffs, attorneys and law enforcement.
- iii. Juvenile Court:
  1. Probation Officer Client Survey is sent to all youth upon the completion of their probation period. It gauges the client on their relationship with the probation officer.
  2. Victim Satisfaction Survey is sent to every victim who has contact with the juvenile court. This survey is focused on the victim's experience/contact with juvenile court staff and on their feelings of having been informed of their rights as a victim.
- iv. Informal Complaints Against Judges or Judicial Employees Brochure is available to the public at all times displayed in the clerk's office at the front counter. This is a method for the public to address their complaints or concerns about judges and employees of the state judicial system.

#### b. Employee Education & Professional Growth:

##### i. Continuing Education

##### 1. Trial Court Administration Personnel and Court Reporters/Recorders

###### a. Trial Court Administrator

- New Employee Orientation
- Introductory Evaluation (6 months)
- Annual Evaluation
- Daily Hands on Management Oversight and Feedback
- Court Management Program
  - ICM
  - CEDP
  - Fellowship - NACM
- Biennium Out of State Training
- Employee Exit Evaluation

###### b. Trial Court Administration Personnel

- New Employee Orientation
- Introductory Evaluation (6 months)
- Annual Evaluation

###### c. Court Reporters/Recorders

- New Employee Orientation
- Introductory Evaluation (6 months)
- Annual Evaluation

##### 2. Juvenile Court Personnel

- a. Juvenile court director and court officer complete at least 40 hours of approved course work during each three-year period. *N.D. Sup. Ct. Admin. R. 36 – North Dakota Rules on Judicial Branch Education*
- b. New Employee Orientation
- c. Introductory Evaluation (6 months)

- d. Annual Evaluation
  - e. Daily Hands on Management Oversight and Feedback
  - f. Court Management Program
  - g. Biennium Out of State Training
  - h. Employee Exit Evaluation
  - i. Annual Court Support Training
3. Official Court Reporter
- a. If certified through the National Court Reporters Association, Court Reporters are required to complete 30 hours of continuing education every three years
  - b. New Employee Orientation
  - c. Six-month probation period
  - d. Merit increases are approved/not approved by District Judge, based on step increase and job performance, and then forwarded on to the State Court Administrator's Office
  - e. Attend annual state court reporter convention in June (optional)
  - f. Attend annual software technology training in November (optional)
  - g. Employee exit evaluation
4. Court Recorder
- a. AAERT certification within 2 years of job entry (or comparable certification by another state court or federal court)
  - b. New employee orientation
  - c. Six-month probation period
  - d. Merit increases are approved/not approved by District Judge based upon step increase and job performance and then forwarded to the State Court Administrator's Office
  - e. Attend annual training seminars as offered by State Court Administration (optional)
  - f. Participate with mentor to familiarize with recording procedures and equipment; preparation and filing of transcripts; system of tracking and filing of exhibits; printing daily calendar in Odyssey.
  - g. Employee exit evaluation
5. Clerk of District Court II (Grand Forks County)
- a. New Employee Orientation
  - b. Introductory Evaluation (6 months)
  - c. Annual Evaluation
  - d. Annual Clerk of Court Convention
  - e. Daily Hands on Management Oversight and Feedback
  - f. Manager Training (Court Administration)
  - g. Court Management Program
  - h. Biennium Out of State Training
  - i. Employee Exit Evaluation
6. Deputy District Court Clerk III
- a. New Employee Orientation
  - b. Introductory Evaluation (6 months)
  - c. Annual Evaluation
  - d. Annual Clerk of Court Convention
  - e. Daily Hands on Management Oversight and Feedback
  - f. Supervisor Training (Court Administration)
  - g. Court Management Program
  - h. Employee Exit Evaluation
7. Deputy Clerk of District Court

- a. New Employee Orientation
  - b. Introductory Evaluation (6 months)
  - c. Annual Evaluation
  - d. Annual Court Support Training
  - e. Annual Clerk of Court Convention
  - f. Daily Hands on Management Oversight and Feedback
  - g. Court Management Program
  - h. Employee Exit Evaluation
- 8. Ex-Officio Clerk of District Court (Elected Official - County Recorder, Nelson County)
  - a. Annual Clerk of Court Convention
  - b. Daily Hands on Management Oversight and Feedback
- 9. Nelson County Deputy Clerk of Court
  - a. Introductory Evaluation (6 months)
  - b. Annual Evaluation
  - c. Daily Hands on Management Oversight and Feedback
  - d. Employee Exit Evaluation
- c. Judicial Education & Professional Growth:
  - i. Each judge completes at least 45 hours of approved course work in continuing judicial education, at least three in judicial ethics, during each three-year period of tenure.
  - ii. Each magistrate appointed under N.D.C.C. §27-05-31 attend a continuing education program every odd calendar year.

# Caseflow Management

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## *Policy 507 – Matters Submitted for Decision (Under Advisement) – Monthly Reporting:*

- 1) Each judicial officer will receive an email on the 1<sup>st</sup> of each month indicating that the monthly reporting for cases that have been under advisement for more than 90 days is due the 15<sup>th</sup> of the current month. This email will include the following instructions:
  - a. Navigate to the judicial dashboard and log in using your Odyssey user ID and password.
    - i. <https://dashboard.ndcourts.gov/>
  - b. Review the cases listed in the “Under Advisement” box and determine if there are any cases that will be over the 90 day requirement by the 15<sup>th</sup> of the current month.
  - c. These cases can be easily identified by reviewing the “Review/Due Date” column of the “Under Advisement” box.
  - d. If there are no cases to report no further action is required.
  - e. If there are cases that are beyond the 90 day time standard each judicial officer:
    - i. May seek an extension from the presiding judge.
      1. If this extension or waiver of the timeline has also expired the judicial officer may request further extension or waiver from the Chief Justice.
    - ii. Both extensions will need to be noted by court personnel (clerk or court reporter/recorder) in the comment box of the under advisement event in Odyssey.
- 2) Each presiding judge and administrator will receive an email on the 16<sup>th</sup> day of the current month. This email will include the following instructions:
  - a. If no extension is granted or if the matter is not decided within additional time allowed by the presiding judge; the presiding judge is required to report cases exceeding the under advisement time standards to the Chief Justice.
  - b. Court Administration will assist presiding judges with exporting a list of the overdue matters submitted for decision (under advisement) from the judicial dashboard. This can be accomplished by exporting a PDF document that the presiding judge can sign (electronic or print and sign). This report should be sent to the unit court administration and the Chief Justice if necessary.

### Policy 507 – Cases Time Standards – Quarterly Reporting:

- 1) The clerk and juvenile court staff in each county will receive an email the 25<sup>th</sup> day of February, May, August, and November advising that the upcoming month is a quarterly reporting month. The email will include the instruction that they are to review the overdue cases for a future hearing, time standard, or under advisement event AND ensure that time clocks are correct.
- 2) Each judicial officer and administrator will receive an email on the 1<sup>st</sup> of March, June, September, and December indicating that the current month is a quarterly reporting month and that all comments must be entered by the 15<sup>th</sup> of the current month. This email will include the following instructions:
  - a. Navigate to the judicial dashboard and log in using your Odyssey user ID and password.  
<https://dashboard.ndcourts.gov/>
  - b. Review the cases listed in the “Overdue Cases” box.
    - i. Each case listed must have a docket currency note added in Odyssey that includes the following:
      1. The current status of the case.
      2. The reason for delay may include: multiple complex motions, continuances, discovery issues, competency examinations, independent examinations, etc.
      3. A date on which the next scheduled event will occur
      4. An anticipated date for resolution of the case.
    - ii. To enter a docket currency note into Odyssey:
      1. The judge can export the overdue cases to Odyssey and process through list manager or the judge can enter the case number manually into Odyssey
        - a. Navigate to the notes tab of the case:
        - b. Select the + to add a note
        - c. **Check the Editable box**
        - d. Select the note type “Docket Currency Notes”
        - e. Enter the note as required by Administrative Rule 12 (see above “2(b)(i)”)

#### iii. Select Save

The screenshot shows the 'Add Note' form in the Odyssey system. Red boxes and labels indicate the following steps:

- Step 1:** The 'User' field at the top right.
- Step 2:** The 'Editable' checkbox, which is checked.
- Step 3:** The 'Type' dropdown menu, which is set to 'Docket Currency Notes'.
- Step 4:** The 'Comment' text area, which contains the instruction: 'Enter the current status of the case, the reason for delay, and a date on which the next scheduled event will occur, and an anticipated date for resolution of the case here'.
- Step 5:** The 'Save' button at the bottom.

- c. These notes will then be viewable in the “Overdue Cases” box in the dashboard.
    - i. NOTE: Overdue cases will continue to be added to the “Overdue Cases” box. Each judicial officer is responsible for reporting on all cases that are listed by the 15<sup>th</sup> of the current month.
  - d. If additional events happen before the reporting deadline the assigned judicial officer would be able to edit and add to the note that was created.
- 3) Each presiding judge will receive an email on the 16<sup>th</sup> of March, June, September, and December indicating that the timeframe for each judicial officer to enter their notes has expired. The email will include the following instructions:
    - a. Navigate to the judicial dashboard and log in using your Odyssey user ID and password.
      - i. <https://dashboard.ndcourts.gov/>
      - ii. A presiding judge will select the district view of the judicial dashboard.



- b. Review the “Overdue Case” box and ensure that a note has been entered for each of the overdue cases.
  - c. The presiding judge will review any notes and may waive any time standards to the case. These notes will be annotated in the notes tab of the case.
    - i. This note will be added to the docket currency note that was added in Odyssey by the assigned judicial officer.
      - 1. The judicial officer can export the overdue cases to Odyssey and process through list manager or the judge can enter the case number manually into Odyssey
      - 2. Navigate to the notes tab of the case.
        - a. Click into the docket currency note created by the assigned judge.
        - b. Add any notes to the end of the current note.
        - c. Select Save
      - 3. This updated note will then be viewable in the “Overdue Cases” box.
- 4) Each administrator will receive an email on the last day of March, June, September, and December indicating that the timeframe for each presiding judge to review the district overdue cases has expired. The email will include the following instructions:
- a. Navigate to the judicial dashboard and log in using your Odyssey user ID and password.  
<https://dashboard.ndcourts.gov/>
  - b. Review the “Overdue Case” box and ensure a note has been entered for each of the overdue cases and that the presiding judge has noted if they are waiving the time standard or not.
  - c. Unit court administration will work with the presiding judge and provide a report to the Chief Justice.

# Technology for Evidence Presentation

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The Northeast Central Judicial District of North Dakota is committed to up to date effective efficient technology for use in courtrooms. The Court's goal to provide systems that are sophisticated, user-friendly, and flexible. The focus on counsel and self-represented party (ies) and their understanding, preparation and use of the available technology in the Grand Forks County and Nelson County courthouses.

## **Reserve Equipment for Evidence Presentation:**

Counsel or a self-represented party (ies) is required to reserve the use of any court equipment no later than seven (7) days prior to trial.

- 1) The equipment is reserved through the assigned court reporter/recorder.
- 2) Counsel or their staff or self-represented party (ies) is required to operate the equipment during trial.
- 3) Judicial staff, clerks of court and court administration personnel will not assist you in its operation at trial.
- 4) Any attorney (their staff) or self-represented party (ies) requiring instruction on its operation must contact court administration at least seven (7) days before trial.